

WESTFIELD BOARD OF ADJUSTMENT

WESTFIELD PLANNING BOARD

Kathy Nemeth

908-789-4100 ext. 602

Please check that Your Application Package consists of the following before returning to the Board of Adjustment Secretary:

The Board, when reviewing the application, shall have the authority to request additional information not required by this checklist or the ordinance if, in its opinion, such additional information is necessary to make an informed decision on the application or appeal.

- [] One (1) copy of **The Original Application Form**.
- [] Twelve (12) copies of **plans, sketches, renderings, etc to be utilized during the hearing. Plans must be folded before they are turned in to the Board.**
Photographs or other visual aids such as oversized posters and charts do not need to be duplicated or submitted in advance of the hearing. Notwithstanding the above, the Board Secretary may require a greater or lesser number of copies in particular cases as needed. If any item on any of the forms or enclosures is not applicable, is unknown or is otherwise unable to be completed, please enter "N/A" or other appropriate phrase in the space.
For applications involving new buildings, or additions or alterations to existing buildings, provide architects drawings or **scaleable floor plans**, which may be prepared by the owner/applicant. The plans should include the existing and the proposed new construction of each story of the building (including basements), drawn to a scale not smaller than 1/8" = 1'0", and **exterior elevations** of all sides. The proposed **use of each room** must be indicated on the floor plans.
- [] **Filing fee is to be determined by application. The Secretary will advise any additional filing fees and/or escrow deposits, to the applicant. Filing fee must be**, paid in full when the application is filed. Make checks payable to **"Town of Westfield"**.
- [] **Two (2) photographs** of existing **REAR YARD** dating no more than one month old.
- [] **A certificate** from the Westfield Tax Collector stating that all **taxes and assessments** for the subject property are **paid** up to and including the most recent collection period. The Tax collector is Mrs. Susan Noon, telephone (908) 789-4051, located in the Municipal Building, 425 East Broad Street.
- [] Where the applicant is not the owner, a notarized **affidavit from the owner** authorizing the applicant to file this application. If the applicant is a corporation or partnership, attach a notarized list of the names and addresses of stockholders or partners with a more than a 10% interest.
- [] One (1) copy of the **tax map** showing the properties adjoining the property, which is the subject of the application. This document can be obtained from the Town Surveyor's office, which is located in the same building as the Board Secretary's office, at 959 North Avenue, West.
- [] An **ORIGINAL** **signed, dated and scaleable survey** of the property. On the survey it must indicate the area where the addition and/or alteration will be done.
- [] For applications involving new structures which are not buildings, (such as swimming pools, decks, patios, handicapped ramps, tennis courts, balconies, fences, walls, tanks, towers, etc.) the applicant must provide **appropriate descriptive material** sufficient for the Board to understand the nature, appearance, and construction of structure(s).
- [] You must return the completed **"Request for Property Owners List"** to obtain a certified copy of the list of persons to be noticed. You must complete the noticing on time or you **cannot be heard.**
- [] Please note the enclosure that describes specific additional submission requirements for any application seeking **sign variances**.

Please note:

The request for property owners list should only be completed and turned into the Surveying Department in the Public Works Building when the application for a variance is filed with the Secretary to the Board, not before.

TOWN OF WESTFIELD

BOARD OF ADJUSTMENT REQUEST FOR PROPERTY OWNERS LIST

APPLICANT PLEASE FILL OUT THIS SECTION ONLY

For _____
Property address

Block # _____ Lot# _____ Date Requested _____

Applicant's Name _____ Phone # _____

ENGINEERING DEPARTMENT SECTION:

Date received by Engineering. Dept. _____

Please determine all properties in the Town of Westfield within 200 feet of the above referenced address and list the Block and Lot numbers on the back of this sheet. Forward it to the Tax Assessor's office. Thank you.

TAX ASSESSOR'S OFFICE SECTION:

Date received by Tax Assessor's Office _____

() Please prepare a list of owners' names and addresses (showing Block and Lot numbers also) from the current tax duplicates of all properties shown on the back of this sheet and forward the list to the **BOARD OF ADJUSTMENT SECRETARY ONLY.**
Thank you.

PLEASE FORWARD A COPY OF THIS SHEET TO THE FOLLOWING PERSON:

- () Secretary, Planning Board
- () Secretary, Board of Adjustment

Date list was forwarded _____

To be completed by TOWN OF WESTFIELD ENGINEERING DEPARTMENT

THE FOLLOWING WAS PREPARED BY _____ ON _____
Engineering Dept. Date

BLOCK	LOT	BLOCK	LOT
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

() Property is within 200' of the Sun Pipe Line.

- ☐ Ticked municipalities below also have properties within the 200-foot radius, which are not included in the above list.
- ☐ Mountainside
- ☐ Scotch Plains
- ☐ Clark
- ☐ Garwood
- ☐ Cranford
- ☐ Springfield

For Official Use Only

History: BOA ____ PB ____ NONE ____

Historic District: _____

Review by: _____

Decision by: _____

TOWN OF WESTFIELD
APPLICATION

I. Identification:

This appeal is from (applicant's name) _____

(street address) _____ (telephone) _____

(fax) _____

for property in Westfield, NJ located at (street address) _____

II. To: (check one)

☐ Planning Board

☐ Board of Adjustment

Board Secretary: Ms. Kathy Nemeth 908-789-4100 extension 602

Both Boards: 959 North Avenue West, Westfield, NJ 07090: FAX 908-789-4113

III. For a Hearing For: (Check all applicable)

Specific Applicable Sections of the Westfield L.U.O. for:

Submission Requirements Checklists

Procedures

<input type="checkbox"/> *C & D variances	4.03A, 9.02, 9.03, 9.11	4.04, 7.01C, 7.01D, 8.03, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> Conceptual Site Plans & Subdivisions	9.04	8.07
<input type="checkbox"/> Minor Site Plan	9.02, 9.03, 9.08	8.06, 8.08, 8.13, 8.14, 8.23
<input type="checkbox"/> *Preliminary Major Site Plan	4.03C, 9.02, 9.03, 9.09	4.04, 8.04, 8.06, 8.10, 8.13, 8.14, 8.19, 8.23
<input type="checkbox"/> Final Major Site Plan	9.02, 9.03, 9.10	8.06, 8.11
<input type="checkbox"/> Minor Subdivision	9.02, 9.03, 9.05	8.01, 8.06, 8.09, 8.13, 8.14, 8.23
<input type="checkbox"/> *Preliminary Major Subdivision	4.03D, 9.02, 9.03, 9.06	4.04, 8.01, 8.04, 8.06, 8.10, 8.13, 8.14, 8.19, 8.23
<input type="checkbox"/> Final Major Subdivision	9.02, 9.03, 9.07	8.06, 8.11
<input type="checkbox"/> **Conditional Use	9.02, 9.03	4.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Structure in street, drainage way, flood basin, reserved area	4.03F, 7.01E2	4.04, 7.01E, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Structure on lot not abutting street	7.01F2	4.04, 7.01F, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Board of Adjustment "a" appeal/ administrative officer error	7.02B2 & 3	7.02A & B, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Board of Adjustment "b" appeal/ interpretation ordinance/map	4.03B, 7.02C1 & 2 & 3	4.04, 7.02A & C, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> Residential cluster	9.02, 9.03, 9.06, 8.12, 11.03F	8.13, 8.14

- **Public noticing is required pursuant to Section 4.03 & 4.04**
- **** A major site plan review is also required with a conditional use application**

IV. Application Description: Briefly describe the nature and scope of this application, including proposed uses and improvements. All subdivision appeals must state the present and proposed number of lots.

V. Reasons: Briefly summarize the reasons why you believe this appeal should be granted.

VI. Property Description: Please provide the following information about the property, which is the subject of this appeal.

- Enclose a scaleable (full size) copy of a location survey of the property; showing the surveyors name and license number, and date of survey, if this information is not otherwise provided on a site plan or subdivision plat.

• Street address _____

Zone district _____ Block No. _____ Lot No. _____

• Dimensions of lot _____ Area of lot _____ sq. ft.

• Use of premises present _____
proposed _____

Is the proposed use ☐ permitted by ordinance ☐ a conditional use which has been
granted by the Planning Board or Zoning Board of Adjustment ☐ a use permitted by
variance ☐ a nonconforming (i.e. "grandfathered") use ☐ not a permitted use

Name of Owner _____ Telephone No. _____

Street address of Owner _____ Fax. No. _____

- Does the above owner also own any property that abuts the subject property?

☐ No ☐ Yes If yes, address: _____

If yes, is the abutting property subject to the Loechner-Campoli rule of merger?

☐ No ☐ Yes

(If you don't know, check with the Tax Assessor in the Municipal Building.)

- Are there any present deed restriction(s) which affect this property?

☐ No ☐ Yes If yes, attach copy of deed, including language of restriction(s).

- Are there any pending proceedings, concerning the property, which is the subject of this application, before any federal, state, or local board of authority?

☐ No ☐ Yes If yes, list here and attach a brief description of each.

VII. Attorney Identification: Private individuals, or sole proprietors may represent themselves (i.e. present the application) before the Board. All other categories of applicants must be represented by an attorney. (reference: 1998 Cox - pages 477 & 478)

If applicant (or owner) is to be represented by an attorney, please furnish the following information:

Attorney's name _____ Telephone No. _____
Attorney's firm _____ Fax. No. _____
Street address _____

VIII. Notarization:

I/We, the undersigned applicant(s) do hereby grant permission for the members of the Planning Board, and the Zoning Board of Adjustment, their Attorney and the Zoning Officer of the Town of Westfield, NJ to enter upon the property which is the subject of this application, during all daylight hours during the pendency of this application. Permission to enter structures will be given for a mutually agreeable time.

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct.

Signature of Applicant (in the presence of a Notary)

Print Name : _____

Address: _____

Sworn and Subscribed to
before me this _____
day of _____, 200 .

Notary Public

Home phone _____

Business phone _____

IX. Do not write in the following spaces:

TO BE COMPLETED BY THE ZONING OFFICER:

- To the best of my knowledge and belief, this application is complete and correct.

- This application is currently the subject of a:

_____ Zoning violation notice, No. _____, copy enclosed.
_____ Municipal Court complaint, docket No. _____, copy enclosed.
_____ Other pending action, (describe) _____
_____ None of the above

Signature

TO BE COMPLETED BY THE BOARD SECRETARY:

Has there been any previous appeals(s) involving these premises?
☐ No ☐ Yes If yes, attach copies of resolution(s)

TO BE COMPLETED BY THE COMPLETENESS DESIGNEE:

Application accepted as complete on _____

Signature

Application accepted as complete on _____

Signature

TOWN OF WESTFIELD

LIST OF EXISTING NON-CONFORMING ZONING CONDITIONS

Section 7.01B Review of existing non-conforming conditions in connection with applications for variances or for the direction of the issuance of certain permits.

In reviewing applications for variances or for the direction of the issuance of certain permits, the Board shall determine whether any existing non-conforming conditions involving the subject property will exacerbate, intensify, alter, affect or in some way result in a significant impact on the proposed use, structure or land. If the Board finds that no substantial impact or detriment will result, the Board shall so state in its findings of fact in the resolution for the application, without the need for such existing non-conforming conditions to meet the criteria established by N.J.S.A. 40:55D-34, 36, 51a, 51b, 70c and 70d and this ordinance for variances or exceptions. If the Board finds that substantial impacts or detriments will result, however, the application shall not be approved unless and until the applicant agrees to mitigate or eliminate such impacts or detriments to the maximum extent feasible.

The above shall not be construed to alter the review procedures not the criteria for granting variances or exceptions for violations proposed by the development or existing illegally on the subject property.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
2.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
3.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
4.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
5.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
6.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:

TOWN OF WESTFIELD

LIST OF NEW C.40:55D-70 c AND d VARIANCES REQUESTED

SECTION 9.02: GENERAL REQUIREMENTS; SUPPORTING DOCUMENTATION

In addition to the submission requirements for the individual categories of applications in the following sections, all categories of applications, except for conceptual site plans and conceptual subdivisions, shall be required to submit the following:

C. A statement indicating all of the provisions of the Land Use Ordinance from which a waiver or variance is sought.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
2.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
3.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
4.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
5.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
6.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
7.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
8.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:

TOWN OF WESTFIELD
REQUIREMENTS AND VARIANCES SUMMARY TABLE PER SECTION 911 B.7.

**THIS TABLE MUST BE INCLUDED WITH ALL APPLICATIONS FOR "C" AND "D" VARIANCES,
AND MUST BE SHOWN ON ALL REQUIRED SITE PLANS, SUBDIVISION PLANS, AND PLOT PLANS**

The below regulations are for all RS, RM and P zones applications. All RA, O, CBD and GB zone applications use the "Bulk and Lot Regulations" for the zone.

ZONE:

APPLICANT:

STREET ADDRESS:

<u>REG. NO.</u>	<u>REGULATION</u>	<u>UNITS</u>	<u>REQUIRED</u>	<u>PROPOSED</u> USE SEPARATE COLUMN FOR EACH LOT			
				<u>LOT No.</u>	<u>VARIANCE?*</u>	<u>LOT No.</u>	<u>VARIANCE?*</u>
	Minimum gross area	sq. ft.					
	Minimum area within first _____ ft. of depth	ft.					
	Minimum width	ft.					
	Minimum frontage	ft.					
	Minimum depth	ft.					
	Minimum front yard (per Sections 12.03C & D & E)	ft.					
	Minimum Sideyard	ft.					
	" "	ft.					
	Minimum rear yard	ft.					
	Maximum building coverage (without deck)	%					
	Maximum building coverage (with deck)	%					
	Maximum FAR or total habitable floor area	%					
	Maximum building height	ft.					
	Maximum all improvements coverage	%					
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						

NOTE: This table must be consistent with the two variance lists, if they are included in the application.

* Single star all variances which are new variances; i.e. are not pre-existing, non-conforming conditions which will continue.

**TOWN OF WESTFIELD
UNION COUNTY NEW JERSEY**

AFFIDAVIT OF OWNERSHIP

I, _____, of full age, being duly sworn
(Print Name)

according to law, do hereby certify that I am the (check one) ☐ owner or ☐ duly authorized officer of the owner (as listed on the application form), of the following property which is the subject of the within application to the Westfield Planning Board or Zoning Board of Adjustment:

Block & Lot (s) _____

Street Address(es) _____

Check one:

1. _____ As the owner (or officer of), I am the Applicant in the within application.
2. _____ As the owner (or officer of), I am not the Applicant. I certify that I have reviewed and consent to the within application and that the information contained herein is true and correct to the best of my knowledge. I authorize the following entity/individual to act as the Applicant in making this application:

a. Authorized Individual/Entity: _____

b. Authorized Individual/Entity Interest in Property (i.e., Tenant, Contract Purchaser): _____

(Signature of Owner/Officer of Owner)

Sworn and subscribed to
before me on this _____
day of _____, 20____.

Notary Public

TOWN OF WESTFIELD

Summary of Hearing Procedures for “c” and “d” Variance Appeals

The Zoning Official will review the application for correctness and completeness. The Applicant will be informed of any deficiencies in the application by the Board Secretary and must promptly submit the additional information.

After the Zoning Official deems the application complete, it will be signed and dated by the Board’s completeness designee.

The Board Secretary will then:

- Assign a hearing date and inform the Applicant.
- Prepare a properly worded notice and arrange for its publication in the official newspaper of the municipality (The Westfield Leader).
- Send a copy of the notice to the Applicant, who must then carry out the noticing according to the instructions received with the notification list from the Tax Assessor’s Office.
- As/if necessary, refer copies of the application for comment to the Architectural Review Board, Historic Preservation Commission, any Consultant deemed necessary by the Board, and other persons having input which will help the Board to reach an informed decision. Additional copies may be requested by the Board Secretary, if needed.

Applicant must return the Affidavit of Notice of Service to the Board Secretary no later than one (1) week before the hearing date.

The Applicant must appear at the hearing, on the advised date and time, at the Westfield municipal building, 425 East Broad Street, together with his attorney, if any, and witnesses, if any. Applicant shall have available for distribution eleven (11) copies of any document to be utilized by him during the hearing. One (1) copy will be sufficient of photographs, oversized posters and charts, and other visual aids.

In reviewing applications, the Board shall determine whether any existing nonconforming conditions involving the subject property will exacerbate, intensify, alter, affect or in some way result in a significant impact on the proposed use, structure or land. If the Board finds that substantial impacts or detriments will result, the application shall not be approved unless and until the Applicant agrees to mitigate or eliminate such impacts or detriments.

The Board reserves the right to deny the application, without prejudice, if the Applicant does not appear or submit a written signed request for postponement, agreeing to any time extension determined by the Board, to the Board’s Secretary, at least three (3) business days prior to the hearing. Normally, the Board completes the hearing in one night. If reappearances are necessary, they will be scheduled with the Applicant at the public hearing and announced to the public by the Board Chairman so that renoticing will not be necessary. At the conclusion of the hearing, The Board will reach a decision and will pass a resolution stating its decision and conditions, if any. The Board is then allowed forty five (45) days by law to memorialize (adopt) a written resolution. Memorialization usually takes place at the next monthly meeting.

No later than ten (10) days after the date of memorialization, the Board Secretary will send a copy of the Board’s resolution to the applicant or his attorney, and will publish a brief notice of the Board’s decision in the official newspaper of the municipality.

After memorialization, if the decision on a development application is favorable to the Applicant, the Applicant may apply to the Building Department for the necessary construction permits. The applicant has one (1) year to apply for the construction permits. After applying for the construction permit, the applicant must start construction within six (6) months of applying for the permit, however the permit is valid for three (3) years.

TOWN OF WESTFIELD

Additional Submission Requirements for All Applications Which Include Sign Variances.

- Sketches or photos of all existing signs, and for each; the type, location, size, inscription, and illumination, if any.
- State which, if any, of the existing signs will be removed, or that none will be removed.
- For each new sign(s) provide 18 copies of a sketch or drawing showing the type, location in relation to a public entrance, dimensions and colors of the sign, inscription and type of illumination, if any. Also submit a color chip for each color.
- Eighteen (18) sets of photos of each side of the building.
- When applying for a freestanding sign, the location of the sign must be dimensioned from the lot boundaries on a plan of the property, preferably a surveyor's location survey.

TOWN OF WESTFIELD

PLANNING BOARD
AND
BOARD OF ADJUSTMENT

NOTICE TO APPLICANTS

After March 5, 2007, a Court Stenographer will no longer be in attendance at all Planning Board or Board of Adjustment meetings. Should you require a Stenographer to cover your hearing or any other portion of any meeting, you must engage such services independently.

All meetings will continue to be audio-recorded by the Secretary of the Planning Board.